IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Crl.MC.No. 3534 of 2007()

CMP.2205/2007 (O.R.NO.2/07 OF KOTTIYOOR FOREST RANGE)
of JUDL.MAGISTRATE OF FIRST CLASS COURT, KUTHUPARAMBA

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PETITIONER: PETITIONER

KANIYARAKKAL AYOOB, S/O IBRAHIM,
AGED 21 YEARS, AMBALAPARAMBIL HOUSE,
CHAVASSERY AMSOM, ULIYIL DESOM.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS: RESPONDENTS

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1. THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE FOREST RANGE OFFICER,
KOTTIYOOR, REP. BY SPECIAL GOVT.
PLEADER FOR FOREST, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3534 of 2007

Dated this the 3rd day of December 2007

O R D E R

The learned Public Prosecutor reports that the vehicle has already been produced before the authorised officer and proceedings under Section 61A of the Kerala Forest Act has already commenced with issue of the show cause notice.

2. The learned counsel for the petitioner then submits that there may be a direction to the authorised officer to release the vehicle to the petitioner on appropriate conditions. The petitioner offers to produce bank guarantee for the vehicle as required under the Rules.

3. The learned Public Prosecutor submits that if the petitioner produces bank guarantee for the value of the vehicle, the State has no objection against directions being issued to the authorised officer to release the vehicle to the petitioner pending disposal of the proceedings under Section 61A.

4. This petition is accordingly allowed as agreed. There shall be a direction to the authorised officer to release the vehicle, Autorickshaw KL-13-Q-1603 to the petitioner on the following terms and conditions.

i) The petitioner shall furnish a bank guarantee for an amount equal to the value of the vehicle as is fixed by the authorised officer.

ii) The petitioner shall produce before the authorised officer all documents to show that he is the owner of the vehicle entitled to the possession of the vehicle.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007